IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39261 of 2008
ARBIND KUMAR YADAV @ MUNNA YADAV,
Son of Janardan Yadav, resident
of Village Raivir, P.S. Shankarpur,
District Madhepura
----------Petitioner
Versus
STATE OF BIHAR ----------Opp. Party
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2. 24.10.2008 A supplementary affidavit has been filed on behalf of the petitioner.

Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Shankarpur P.S. Case No.33/06 for the alleged offences registered under section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

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The petitioner is not the assailant as per the Fardbeyan. The police after investigation submitted final form and the petitioner was not chargesheeted but the Chief Judicial Magistrate differed and took cognizance against the petitioner.

The learned counsel for the petitioner submits that the petitioner is not the assailant and the injury has been sustained by the firing of other co-accused.

The learned APP is not in a position to refute the submission.

Considering the facts and circumstances, it is directed that the petitioner above named, in the event of his arrest or surrender in connection with Shankarpur P.S. Case No.33/06 (G.R. No.903/06)

within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Madhepura, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

PNM **(Shailesh Kumar Sinha, J.)**

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